

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Joshua Alexander Magallanes

Principal

YOB: 1996

USC

Case Number:

M-20- 0797 -M

Jaqueline Janette Barrera

Co-Principal

YOB: 2001

USC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 19, 2020 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Mario Lopez-Osorio, citizen and national of Guatemala, along with five (5) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Rio Grande City, Texas to the point of arrest in Rio Grande City, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(II) FELONY

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

On March 19, 2020, Rio Grande City Border Patrol Agents responded to sensor activation near the Rio Grande River, south of Rio Grande City, Texas. While agents were searching the area, a concerned citizen contacted the Rio Grande City Border Patrol Station and advised that they had witnessed a grey Dodge Ram 1500, with a 4X4 logo, pick up several suspected undocumented aliens.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on March 21, 2020.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and

/s/ Ernie E. Bergollo

Signature of Complainant

Ernie E. Bergollo

Border Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

March 21, 2020 @3:07 p.m.

Date

at McAllen, Texas

City and State

Juan F. Alanis, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-20-0797 -M

**RE: Joshua Alexander Magallanes
Jaqueline Janette Barrera**

CONTINUATION:

As a nearby agent responded to the area, he observed a grey Dodge Ram, matching the description provided by the concerned citizen, pass his location. As the Ram passed his location, the agent noticed several subjects, in the rear cab area of the Ram, attempting to duck below the window, away from view. The agent conducted a "U turn" to further examine the Ram. As the agent approached the Ram, the driver quickly turned into a store parking lot and parked. The agent activated his emergency equipment and parked behind the Ram.

The agent approached the passenger side of the Ram and identified himself as a Border Patrol Agent. The agent asked the driver, later identified as Joshua Alexander Magallanes, a United States Citizen, to lower all the windows of the Ram. As Magallanes lowered the windows, the agent noticed several subjects crammed in the rear area of the Ram.

At that time, Magallanes and the front seat passenger, later identified as Jaqueline Janette Barrera, a United States Citizen, were detained. Agents then proceeded to conduct an immigration inspection on the six (6) remaining passengers, and determined that they were all illegally present in the United States.

All eight (8) subjects were placed under arrest and transported to the Rio Grande City Border Patrol Station for processing.

Principal Statements:

Joshua Alexander Magallanes, a United States Citizen, was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a sworn statement.

Magallanes claimed that while taking his friend to a hair salon, he observed several people crossing a fence. Magallanes indicated that one of them asked him for a ride. Magallanes claimed that he saw a female and child and decided to give them all a ride. Magallanes told them that they were going to have to lift the rear seat because they would not all fit. Magallanes added that he knew he made a mistake by allowing the people into his vehicle; however, he refused to go into further detail.

Jaqueline Janette Barrera was advised of her Miranda Rights, stated she understood her Rights, and refused to provide a sworn statement.

Material Witness Statement:

Mario Lopez-Osorio, a citizen and national of Guatemala, was read his Miranda Rights, stated he understood his Rights, and agreed to provide a sworn statement.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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CONTINUATION:

Lopez claimed he made his smuggling arrangements and paid 40,000 Guatemalan Quetzals of the total 85,000 Guatemalan Quetzals he agreed to pay. After crossing the Rio Grande River, the rafter gave them directions and informed them that a grey vehicle will be waiting for them. Lopez stated that they jumped a fence and that a grey in color vehicle was waiting for them. Lopez described the driver as a male with a tattoo on his neck. Lopez stated that the driver told them to get in the car and instructed them to duck down. Lopez further stated that a female, who was seated in the front passenger seat, instructed them to hurry and board the vehicle. The female also instructed them to answer that they were hitching a ride, if they were asked what they were doing in the vehicle.

Lopez identified Magallanes, through a photo lineup, as the driver of the grey vehicle.

Lopez identified Barrera, through a photo lineup, as the female passenger in the grey vehicle.